

2001—Pub. L. 107–107, div. A, title IX, §911(b), Dec. 28, 2001, 115 Stat. 1196, added item for chapter 135.

1997—Pub. L. 105–85, div. A, title III, §§355(c)(2), 371(a)(2), (c)(5), title X, §§1073(a)(2), 1074(d)(2), Nov. 18, 1997, 111 Stat. 1694, 1705, 1900, 1910, added item for chapter 136 and substituted “2460” for “2461” in item for chapter 146, “Commissaries and Exchanges and Other Morale, Welfare, and Recreation Activities” for “Utilities and Services” in item for chapter 147, “2500” for “2491” in item for chapter 148, and “2541” for “2540” in item for chapter 152.

1996—Pub. L. 104–201, div. A, title XI, §1123(a)(3), Sept. 23, 1996, 110 Stat. 2688, struck out item for chapter 167 “Defense Mapping Agency”.

Pub. L. 104–106, div. A, title X, §1061(b)(2), Feb. 10, 1996, 110 Stat. 442, struck out item for chapter 171 “Security and Control of Supplies”.

1994—Pub. L. 103–355, title VIII, §8101(b), Oct. 13, 1994, 108 Stat. 3389, added item for chapter 140.

1993—Pub. L. 103–160, div. A, title VIII, §828(b)(1), Nov. 30, 1993, 107 Stat. 1713, struck out item for chapter 135 “Encouragement of Aviation”.

1992—Pub. L. 102–484, div. D, title XLII, §4271(b)(1), Oct. 23, 1992, 106 Stat. 2695, added item for chapter 148 and struck out former items for chapters 148 “Defense Industrial Base”, 149 “Manufacturing Technology”, and 150 “Development of Dual-Use Critical Technologies”.

1991—Pub. L. 102–190, div. A, title VIII, §821(f), title X, §1061(a)(27)(A), Dec. 5, 1991, 105 Stat. 1432, 1474, substituted “Manufacturing” for “Manufacturing” in item for chapter 149, substituted “Development of Dual-Use Critical Technologies” for “Issue to Armed Forces” in item for chapter 150, struck out item for chapter 151 “Issue of Serviceable Material Other Than to Armed Forces”, and added item for chapter 152.

1990—Pub. L. 101–510, div. A, title VIII, §823(b)(1), title XVIII, §1801(a)(2), Nov. 5, 1990, 104 Stat. 1602, 1757, added item for chapter 149, redesignated former item for chapter 149 as item for chapter 150, and added item for chapter 172.

1989—Pub. L. 101–189, div. A, title IX, §931(e)(2), Nov. 29, 1989, 103 Stat. 1535, substituted “Cooperative Agreements” for “Acquisition and Cross-Servicing Agreements” in item for chapter 138.

1988—Pub. L. 100–456, div. A, title III, §§342(a)(2), 344(b)(2), title VIII, §821(b)(2), Sept. 29, 1988, 102 Stat. 1961, 1962, 2016, substituted “Defense Industrial Base” for “Buy American Requirements” in item for chapter 148, substituted “Property Records and Report of Theft or Loss of Certain Property” for “Property Records” in item for chapter 161, and added item for chapter 171.

Pub. L. 100–370, §§1(e)(2), 2(a)(2), 3(a)(2), July 19, 1988, 102 Stat. 845, 854, 855, added items for chapters 134, 146, and 148.

1987—Pub. L. 100–26, §7(c)(1), Apr. 21, 1987, 101 Stat. 280, substituted “Acquisition and Cross-Servicing Agreements with NATO Allies and Other Countries” for “North Atlantic Treaty Organization Acquisition and Cross-Servicing Agreements” in item for chapter 138, substituted “Major Defense Acquisition Programs” for “Oversight of Cost Growth in Major Programs” and “2430” for “2431” in item for chapter 144, and substituted “2721” for “2701” in item for chapter 161.

1986—Pub. L. 99–661, div. A, title XIII, §1343(a)(22), Nov. 14, 1986, 100 Stat. 3994, substituted “2341” for “2321” in item for chapter 138.

Pub. L. 99–499, title II, §211(a)(2), Oct. 17, 1986, 100 Stat. 1725, added item for chapter 160.

Pub. L. 99–433, title VI, §605(b), Oct. 1, 1986, 100 Stat. 1075a, added item for chapter 144.

1984—Pub. L. 98–525, title XII, §1241(a)(2), Oct. 19, 1984, 98 Stat. 2606, added item for chapter 142.

1982—Pub. L. 97–295, §1(50)(E), Oct. 12, 1982, 96 Stat. 1300, added item for chapter 167.

Pub. L. 97–214, §2(b), July 12, 1982, 96 Stat. 169, added item for chapter 169.

1980—Pub. L. 96–323, §2(b), Aug. 4, 1980, 94 Stat. 1019, added item for chapter 138.

## CHAPTER 131—PLANNING AND COORDINATION

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### Editorial Notes

#### AMENDMENTS

2021—Pub. L. 116–283, div. A, title XVIII, §§1807(b)(2)(B), (g)(2), 1809(f)(2), (g)(2), (i)(2), Jan. 1, 2021, 134 Stat. 4157, 4159, 4161, 4162, substituted “Regulations on production, warehousing, and supply distribution functions” for “Regulations on procurement, production, warehousing, and supply distribution functions” in item 2202 and struck out items 2212 “Obligations for contract services: reporting in budget object classes”, 2213 “Limitation on acquisition of excess supplies”, 2216 “Defense Modernization Account”, 2217 “Comparable budgeting for common procurement weapon systems”, and 2229b “Comptroller General assessment of acquisition programs and initiatives”.

2019—Pub. L. 116–92, div. A, title XVII, §1731(a)(33), Dec. 20, 2019, 133 Stat. 1814, substituted “Comptroller

<sup>1</sup> Section renumbered by Pub. L. 116–283 without corresponding amendment of chapter analysis.

General assessment of acquisition programs and initiatives” for “Comptroller General assessment of acquisition programs and related initiatives” in item 2229b.

2018—Pub. L. 115–232, div. A, title VIII, § 833(b), Aug. 13, 2018, 132 Stat. 1859, added item 2229b.

2016—Pub. L. 114–328, div. A, title X, § 1081(c)(4), Dec. 23, 2016, 130 Stat. 2419, made technical correction to directory language of Pub. L. 114–92, § 883(a)(2). See 2015 Amendment note below.

Pub. L. 114–328, div. A, title VIII, § 833(b)(2)(B), Dec. 23, 2016, 130 Stat. 2284, struck out item 2225 “Information technology purchases: tracking and management”.

2015—Pub. L. 114–92, div. A, title VIII, § 883(a)(2), Nov. 25, 2015, 129 Stat. 947, as amended by Pub. L. 114–328, div. A, title X, § 1081(c)(4), Dec. 23, 2016, 130 Stat. 2419, added item 2222 and struck out former item 2222 “Defense business systems: architecture, accountability, and modernization”.

2014—Pub. L. 113–291, div. A, title X, § 1022(a)(2), Dec. 19, 2014, 128 Stat. 3487, added item 2218a.

2011—Pub. L. 112–81, div. A, title VIII, § 846(a)(2), Dec. 31, 2011, 125 Stat. 1517, added item 2216a.

Pub. L. 111–383, div. A, title VIII, § 805(a)(2), Jan. 7, 2011, 124 Stat. 4259, added item 2223a.

2008—Pub. L. 110–181, div. A, title III, §§ 352(b), 371(f), Jan. 28, 2008, 122 Stat. 72, 81, added items 2228 and 2229a and struck out former item 2228 “Military equipment and infrastructure: prevention and mitigation of corrosion”.

2006—Pub. L. 109–364, div. A, title III, § 351(b), Oct. 17, 2006, 120 Stat. 2160, added item 2229.

2004—Pub. L. 108–375, div. A, title III, § 332(a)(2), title VI, § 651(f)(2), Oct. 28, 2004, 118 Stat. 1854, 1972, struck out item 2219 “Retention of morale, welfare, and recreation funds by military installations: limitation” and added item 2222.

2002—Pub. L. 107–314, div. A, title X, §§ 1004(h)(1), 1052(b)(2), 1067(a)(2), Dec. 2, 2002, 116 Stat. 2631, 2649, 2658, struck out item 2222 “Annual financial management improvement plan” and added items 2224a and 2228.

2001—Pub. L. 107–107, div. A, title X, § 1009(b)(3)(B), Dec. 28, 2001, 115 Stat. 1209, substituted “Annual” for “Biennial” in item 2222.

2000—Pub. L. 106–398, § 1 [[div. A], title VIII, § 812(a)(2), title X, §§ 1006(a)(2), 1008(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–214, 1654A–247, 1654A–250, added items 2225, 2226, and 2227.

1999—Pub. L. 106–65, div. A, title X, § 1043(b), Oct. 5, 1999, 113 Stat. 761, added item 2224.

1998—Pub. L. 105–261, div. A, title III, § 331(a)(2), title IX, §§ 906(f)(1), 911(a)(2), title X, § 1008(b), Oct. 17, 1998, 112 Stat. 1968, 2096, 2099, 2117, added item 2212, struck out items 2216a “Defense Business Operations Fund” and 2221 “Fisher House trust funds”, and added item 2223.

1997—Pub. L. 105–85, div. A, title X, § 1008(a)(2), Nov. 18, 1997, 111 Stat. 1871, added item 2222.

1996—Pub. L. 104–201, div. A, title X, § 1074(a)(10), Sept. 23, 1996, 110 Stat. 2659, redesignated item 2216 “Defense Business Operations Fund” as 2216a.

Pub. L. 104–106, div. A, title III, § 371(a)(2), title IX, §§ 912(a)(2), 914(a)(2), Feb. 10, 1996, 110 Stat. 279, 410, 412, added two items 2216 and item 2221.

1994—Pub. L. 103–355, title II, § 2454(c)(3)(A), title III, § 3061(b), title V, § 5001(a)(2), Oct. 13, 1994, 108 Stat. 3326, 3336, 3350, substituted “Regulations on procurement, production, warehousing, and supply distribution functions” for “Obligation of funds: limitation” in item 2202, struck out item 2212 “Contracted advisory and assistance services: accounting procedures”, and added item 2220.

Pub. L. 103–337, div. A, title III, § 373(b), div. B, title XXVIII, § 2804(b)(2), Oct. 5, 1994, 108 Stat. 2736, 3053, substituted “Reimbursements” for “Availability of reimbursements” in item 2205 and added item 2219.

1993—Pub. L. 103–160, div. A, title XI, § 1106(a)(2), Nov. 30, 1993, 107 Stat. 1750, added item 2215.

1992—Pub. L. 102–484, div. A, title X, § 1024(a)(2), Oct. 23, 1992, 106 Stat. 2488, added item 2218.

1991—Pub. L. 102–190, div. A, title III, § 317(b), Dec. 5, 1991, 105 Stat. 1338, added item 2213.

1990—Pub. L. 101–510, div. A, title XIII, § 1331(2), title XIV, §§ 1482(c)(2), 1484(i)(6), Nov. 5, 1990, 104 Stat. 1673, 1710, 1718, struck out item 2213 “Cooperative military airlift agreements”, added item 2214, and struck out items 2215 “Reports on unobligated balances” and 2216 “Annual report on budgeting for inflation”.

1988—Pub. L. 100–370, § 1(d)(4), July 19, 1988, 102 Stat. 843, added items 2201, 2212, and 2217.

1986—Pub. L. 99–661, div. A, title XIII, § 1307(a)(2), Nov. 14, 1986, 100 Stat. 3981, added items 2215 and 2216.

1982—Pub. L. 97–252, title XI, § 1125(b), Sept. 8, 1982, 96 Stat. 758, added item 2213.

Pub. L. 97–214, § 10(a)(1), July 12, 1982, 96 Stat. 174, struck out item 2212 “Transmission of annual military construction authorization request”.

1978—Pub. L. 95–356, title VIII, § 802(a)(2), Sept. 8, 1978, 92 Stat. 585, added item 2212.

1962—Pub. L. 87–651, title II, § 207(b), Sept. 7, 1962, 76 Stat. 523, added items 2203 to 2211.

1958—Pub. L. 85–599, § 3(c), Aug. 6, 1958, 72 Stat. 516, struck out item 2201 “General functions of Secretary of Defense”.

### Statutory Notes and Related Subsidiaries

#### MISSION INTEGRATION MANAGEMENT

Pub. L. 114–328, div. A, title VIII, § 855, Dec. 23, 2016, 130 Stat. 2297, directed the Secretary of Defense to establish mission integration management activities for certain mission areas that involve multiple Armed Forces and multiple programs and to submit to the congressional defense committees, at the same time the fiscal year 2018 budget is submitted to Congress, a strategy for mission integration management.

#### STRATEGIC MANAGEMENT PLAN

Pub. L. 110–181, div. A, title IX, § 904(d), (e), Jan. 28, 2008, 122 Stat. 275, as amended by Pub. L. 114–92, div. A, title X, § 1079(e), Nov. 25, 2015, 129 Stat. 999, provided that:

“(d) STRATEGIC MANAGEMENT PLAN REQUIRED.—

“(1) REQUIREMENT.—The Secretary of Defense, acting through the Chief Management Officer of the Department of Defense, shall develop a strategic management plan for the Department of Defense.

“(2) MATTERS COVERED.—Such plan shall include, at a minimum, detailed descriptions of—

“(A) performance goals and measures for improving and evaluating the overall efficiency and effectiveness of the business operations of the Department of Defense and achieving an integrated management system for business support areas within the Department of Defense;

“(B) key initiatives to be undertaken by the Department of Defense to achieve the performance goals under subparagraph (A), together with related resource needs;

“(C) procedures to monitor the progress of the Department of Defense in meeting performance goals and measures under subparagraph (A);

“(D) procedures to review and approve plans and budgets for changes in business operations, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic management plan of the Department of Defense; and

“(E) procedures to oversee the development of, and review and approve, all budget requests for defense business systems.

“(e) REPORT.—Not later than 180 days after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section and a copy of the strategic management plan required by subsection (d).”

**§ 2201. Apportionment of funds; authority for exemption; excepted expenses**

(a) EXEMPTION FROM APPORTIONMENT REQUIREMENT.—If the President determines such action to be necessary in the interest of national defense, the President may exempt from the provisions of section 1512 of title 31 appropriations, funds, and contract authorizations available for military functions of the Department of Defense.

(b) AIRBORNE ALERTS.—Upon a determination by the President that such action is necessary, the Secretary of Defense may provide for the cost of an airborne alert as an excepted expense under section 6301(a) and (b)(1)–(3) of title 41.

(c) MEMBERS ON ACTIVE DUTY.—Upon a determination by the President that it is necessary to increase (subject to limits imposed by law) the number of members of the armed forces on active duty beyond the number for which funds are provided in appropriation Acts for the Department of Defense, the Secretary of Defense may provide for the cost of such additional members as an excepted expense under section 6301(a) and (b)(1)–(3) of title 41.

(d) NOTIFICATION TO CONGRESS.—The Secretary of Defense shall immediately notify Congress of the use of any authority under this section.

(Added Pub. L. 100–370, §1(d)(1)(A), July 19, 1988, 102 Stat. 841; amended Pub. L. 106–65, div. A, title X, §1032(a)(1), Oct. 5, 1999, 113 Stat. 751; Pub. L. 111–350, §5(b)(4), Jan. 4, 2011, 124 Stat. 3842.)

HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 99–190, §101(b) [title VIII, §8009], Dec. 19, 1985, 99 Stat. 1185, 1204.

In two instances, the source law to be codified by the bill includes provisions that on their face require that the Department of Defense notify Congress of certain actions. These notification requirements were terminated by section 602 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433), which terminated all recurring reporting requirements applicable to the Department of Defense except for those requirements that were specifically exempted in that section. The source law sections are sections 8009(c) and 8005(j) (proviso) of the FY86 defense appropriations Act (Public Law 99–190), enacted December 19, 1985, which would be codified as section 2201 of title 10 (by section 1(d) of the bill) and section 7313(a) of title 10 (by section 1(n) of the bill). In codifying the authorities provided the Department of Defense by these two provisions of law, the committee believes that it is appropriate to reinstate the congressional notification requirements that go with those authorities. These sections were recurring annual appropriation provisions for many years and were made permanent only months before the enactment of the 1986 Reorganization Act. It is the committee's belief that the failure to exempt these provisions from the general reports termination provision was inadvertent and notes that the notification provisions had in fact previously applied to the Department of Defense for many years. The action of the committee restores the status quo as it existed before the Reorganization Act.

**Editorial Notes**

PRIOR PROVISIONS

A prior section 2201, act Aug. 10, 1956, ch. 1041, 70A Stat. 119, prescribed the general functions of the Secretary of Defense, prior to repeal by Pub. L. 85–599, §3(c), Aug. 6, 1958, 72 Stat. 516. See section 113 of this title.

AMENDMENTS

2011—Subsec. (b). Pub. L. 111–350, §5(b)(4)(A), substituted “section 6301(a) and (b)(1)–(3) of title 41” for “section 3732(a) of the Revised Statutes (41 U.S.C. 11(a))”.

Subsec. (c). Pub. L. 111–350, §5(b)(4)(B), substituted “section 6301(a) and (b)(1)–(3) of title 41” for “section 3732(a) of the Revised Statutes (41 U.S.C. 11(a))”.

1999—Subsec. (d). Pub. L. 106–65 substituted “Defense” for “Defense—”, struck out par. (1) designation, substituted “this section.” for “this section; and”, and struck out par. (2) which read as follows: “shall submit monthly reports to Congress on the estimated obligations incurred pursuant to subsections (b) and (c).”

**§ 2202. Regulations on production, warehousing, and supply distribution functions**

The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the production, warehousing, and supply distribution functions, and related functions, of the Department of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 120; Pub. L. 100–180, div. A, title XII, §1202, Dec. 4, 1987, 101 Stat. 1153; Pub. L. 103–355, title III, §3061(a), Oct. 13, 1994, 108 Stat. 3336; Pub. L. 116–283, div. A, title XVIII, §1807(b)(2), Jan. 1, 2021, 134 Stat. 4157.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2202 .....	41:162.	July 10, 1952, ch. 630, § 638, 66 Stat. 537.

The words “an officer or agency \* \* \* may \* \* \* only” are substituted for the words “no officer or agency \* \* \* shall \* \* \* except”. The word “of”, before the words “the Department”, is substituted for the words “in or under”. The words “under regulations prescribed” are substituted for the words “in accordance with regulations issued”. The words “after the effective date of this section” and 41:162(b) are omitted as executed. The words “or equipment” are omitted as covered by the definition of “supplies” in section 101(26) of this title.

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 116–283 struck out “procurement,” before “production,” in section catchline and text.

1994—Pub. L. 103–355 amended heading and text generally. Prior to amendment, text read as follows:

“(a) Notwithstanding any other provision of law, an officer or agency of the Department of Defense may obligate funds for procuring, producing, warehousing, or distributing supplies, or for related functions of supply management, only under regulations prescribed by the Secretary of Defense. The purpose of this section is to achieve the efficient, economical, and practical operation of an integrated supply system to meet the needs of the military departments without duplicate or overlapping operations or functions.

“(b) Except as otherwise provided by law, the availability for obligation of funds appropriated for any program, project, or activity of the Department of Defense expires at the end of the three-year period beginning on the date that such funds initially become available for obligation unless before the end of such period the Secretary of Defense enters into a contract for such program, project, or activity.”

1987—Pub. L. 100–180 designated existing provisions as subsec. (a) and added subsec. (b).